



News story

Home Secretary announces time limits for police bail

From: Home Office (<https://www.gov.uk/government/organisations/home-office>) and The Rt Hon Theresa May MP (<https://www.gov.uk/government/people/theresa-may>)
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Home Secretary's announces range of measures in response to police bail consultation.



The Home Secretary today announced a package of reforms (<https://www.gov.uk/government/consultations/pre-charge-bail-consultation-on-statutory-time-limits-and-related-changes>) to the police use of pre-charge bail, including setting a limit that pre-charge bail will not last longer than 28 days, with extensions permissible only under specific circumstances, and court oversight for any extension beyond 3 months.

Under the new system, the police would make the initial decision to release a suspect on bail. That decision would be reviewed by a Superintendent after 28 days, at which point they could authorise further bail, up to a total of three months, in exceptional circumstances. Any application to extend pre-charge bail beyond three months would have to be approved by a magistrate.

This is just one of a range of measures the Home Office proposes to take forward following a recent public consultation. These include:

- Setting a presumption to release without bail, with bail only being imposed when it is both necessary and proportionate;
- Establishing a framework for the regular review by the courts of pre-charge bail;
- Introducing formal guidance on the imposition of conditions; and
- Collecting consistent data on the use of pre-charge bail as part of the Annual Data Requirement (ADR) process and publishing it.

These reforms will result in the greatest reform of police bail legislation since it was passed 30 years ago.

Home Secretary Theresa May said:

“ I have been clear that it is simply not acceptable for individuals to spend months and in some cases years on pre-charge bail, with no system of review, only for charges never to be brought against them.

I will bring forward legislation to set a clear 28-day limit for pre-charge bail in all but the most complex cases and introduce regular scrutiny from the courts for any application to extend pre-charge bail beyond three months.

These measures, alongside a new presumption to release without bail at all, will drive down the inappropriate use of pre-charge bail and ensure that decisions to release suspects with pre-charge bail conditions are taken only where it is necessary or proportionate.

The changes that do not require legislation, such as the production of guidance and the collection of data, will be taken forward straight away."

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Pre-charge bail: Everything you need to know about the campaign to close a 'legal limbo' loophole

Former ministers, MPs and lawyers have signed a letter to The Telegraph demanding reform of the controversial pre-charge bail measure. Here's what you need to know.



Photo: Alamy

By Ben Riley-Smith, Political Correspondent

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What is pre-charge bail?

Pre-charge bail was introduced in the Police and Criminal Evidence Act 1984. The legislation gave policemen the power to put someone who has been arrested under bail while they gather additional evidence.

Before the change, people suspected of crimes would be held in prisons while police investigated the allegations. Those for whom insufficient evidence was found would be released without charge.

By allowing suspects to be released on bail before charge, it was hoped there would be less pressure on the prison service and fewer innocent people being forced to spend long periods

incarcerated.

The laws were strengthened to allow pre-charge bail to include conditions in 1994 through the Criminal Justice and Public Order Act.

Why do campaigners want change?

One crucial aspect of pre-charge bail has become an increasingly serious problem according to critics - the fact there is no time limit. Suspects can be kept on bail for years as police weigh-up whether they have collected enough evidence to bring forward a charge.

Opponents list a number of concerns. Firstly, there is an issue of principle. Britain's legal system is based on 'innocent until proven guilty', yet pre-charge bail impacts people for months despite not enough evidence being collected for trial.

Secondly, there are day-to-day problems. The possible conditions of pre-charge bail include a ban from leaving the country and from using the internet - severely impairing those bound by the rule who end up having any case against them dropped.

Third, critics say it creates a stigma. Individuals caught up in police bail can lose out on work and for months have the fear of trial hanging over them with no known decision date.

Why now?

Research by the BBC last year found that some 57,000 people were on police bail with 3,000 of them held for more than six months.

It is estimated that today more than 70,000 people are currently on pre-charge bail in England, Wales and Northern Ireland. According to the campaigners, more than 5,000 of those people have been on bail for more than six months.

There has also been a spate of prominent journalists and celebrities who have recently spent months on pre-charge bail only for police to decide to take no further action.

Among a number of high-profile cases was that of Paul Gambaccini, who was held on pre-charge bail for 12 months over alleged historical sex offences before being told he would not face any further action.

What change is wanted?

Campaigners accept that pre-charge bail is still an important legal tool for police and are not proposing a total scrapping of the measure.

However they believe it should have a time limit of 28 days, after which the measure must be reviewed by a judge and not by police.

It is hoped the move will both act as a disincentive to keeping people waiting on pre-charge bail for months and put the powers back in the hand of the legal system.

Who is backing the campaign?

Former ministers, current MPs and lawyers have signed a letter to The Telegraph demanding reform to end the "scandal" of people languishing in "legal limbo"

Among those backing the calls for a cap are Damian Green, a former Home Office minister, David Davis, the former shadow home secretary, and Sir Edward Garnier, the former solicitor general.

Theresa May, the Home Secretary, has previously said that the Home Office will hold a consultation on bringing in a limit for the amount of time someone can be held on police bail.

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